IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 3771 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

GOVINDBHAI BHAGWANDAS SHARMA - Applicant(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

==========

Appearance :

MR BS PATEL for Applicant(s) : 1,MRS RANJAN B PATEL for Applicant(s) : 1,
MRS ML SHAH APP for Respondent(s) : 1,
DS AFF.NOT FILED (N) for Respondent(s) : 2,
MS NAYANA M PATEL for Respondent(s) : 3,

==========

CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 18/01/2006

ORAL JUDGMENT

1. By filing this petition, the petitioner-original accused of complaint registered with Karelibaug Police Station which is registered as C.R. No. I 405 of 2004, has prayed that the said

FIR may be quashed. The petitioner is shown as accused No.2 in the said complaint and as per the allegations made in the complaint, the complainant is residing with his wife and doing business in the name of S.B.Construction. That the complainant had taken loan of Rs.30,000/- (Rupees Thirty Thousand Only) from the accused and the said amount he has repaid with interest and as per the accounts, he is required to pay Rs.77,500/-, yet the accused asked him to pay Rs.1,00,000/- (Rupees One Lac Only). As per the allegation made in the complaint, on 11-2-2004, the accused Govindbhai Sharma gave him threat and compelled him to sign four cheques and had taken away papers of motorcar which belong to father of the accused. On these and such allegations the complaint is filed.

2. At the time of hearing of this petition, learned advocate for the petitioner as well as learned advocate for the respondent No.3 state that the parties have settled the dispute amicably and agreement to that effect is arrived at between the parties. Since

the dispute between the parties is settled amicably and since the complainant is not interested in proceeding further with the complaint which is a private complaint filed before the police and since the complainant is not willing to give any statement against the accused as they are residing peacefully and have no grievance with each-other, it would not be proper to investigate the said complaint qua the petitioners.

3. Considering the above aspect of the matter, this petition is allowed and the investigation is ordered to be quashed so far as it relates to the petitioner. However, the investigation can be proceeded further and continued against rest of the accused. Rule is made absolute to the aforesaid extent.

(P.B.MAJMUDAR,J.)

*mithabhai